

Tuesday, June 1, 2010

Division Five

A125258 – The People, v. Anthony Lee Caswell.

The judgment is reversed both as to the imposition of penalty assessments pursuant to Government Code sections 76104.6, 76104.7 and 76000.5 and as to the calculation of presentence custody credits pursuant to Penal Code section 4019. On remand, the trial court shall revise its sentencing order and the abstract of judgment to delete the just referenced assessments (totaling \$80) and to reflect that Caswell earned a total of 238 days of presentence custody credits. The court shall forward a certified copy of the amend abstract to the Department of Corrections and Rehabilitation. Bruiniers, J., We concur: Jones, P.J., Needham, J. (Not for Publication.)

Wednesday, June 2, 2010

Division Three

A124262 – Michael Querard et al., v. Country Wide Home Loans, Inc.

By The Court: The petition for rehearing is denied. McGuiness, P.J.

A124661 – Ridgewater Associates LLC, v. Dublin San Ramon Services District.

By The Court: The petition for rehearing is denied. McGuiness, P.J.

A123755 – The People, v. Jeffrey Angel Romero.

By The Court: The petition for rehearing is denied. Pollak, Acting P.J.

Division Five

A126708 – In re John R., a Person Coming Under the Juvenile Court Law. The People, v. John R.

The judgment is affirmed. Bruiniers, J., We concur: Simons, Acting P.J., Needham, J. (Not for Publication.)

Thursday, June 3, 2010

Division One

A124268 – Cloristeen Collins, et al., v. Plant Insulation Company.

The judgment is reversed and the case remanded for a retrial limited to apportionment of fault among the Navy and defendants already found liable by the jury. Given our disposition, we do not reach the postjudgment interest issue raised by Plant. Banke, J., We concur: Margulies, Acting P.J., Dondero, J. (Certified for Publication.)

Division Two

A123194 – The People, v. Eric Dannenberg.

This matter is remanded for a hearing on defendant's equal protection claim. The court's judgment and order are otherwise affirmed. Lambden, J., We concur: Kline, P.J., Richman, J. (Not for Publication.)

A124922 – Marie Palter, as Trustee, etc. v. Jafran, Inc. et al.

The order denying appellants' motion for an award of attorney fees is affirmed and respondent is awarded her costs on appeal. Lambden, J., I concur: Kline, P.J. (See Concurring Opinion by Haerle, J.) (Not for Publication.)

Division Three

A125738 – The People, v. Aaron Brown.

The judgment is affirmed. Pollak, Acting P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

Division Four

A123809 – The People, v. Jacque Ranod Buie.

The judgment is affirmed. Rivera, J., We concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A125867 – In re D.J., a Person Coming Under the Juvenile Court Law. The People, v. D.J.

Thursday, June 3, 2010(Continued)

The juvenile court's order committing appellant to DJJ is affirmed. Ruvolo, P.J., We concur: Sepulveda, J., Rivera, J. (Certified for Publication.)

Friday, June 4, 2010

Division One

A125702 – In re B.M., et al., Persons Coming Under the Juvenile Court Law. Humboldt County Department of Health and Human Services, v. D.G., et al.

The order terminating Grandparents' guardianship is affirmed. Margulies, J., We concur: Marchiano, P.J., Banke, J. (Not for Publication.)

Division Two

A125020 – The People, v. Carl Raybon.

The true finding on appellant's Georgia conviction is reversed and the matter remanded for a new sentencing hearing. In all other respects, the judgment is affirmed. Kline, P.J., We concur: Haerle, J., Lambden, J. (Not for Publication.)

Division Four

A127940 – Kristine H., v. Superior Court of Napa County.

A127941 – Brett B., v. Superior Court of Napa County.

Mother's petition (case No. A127940) is denied on the merits. § 366.26, subd. (f)(1)(C); Cal. Rules of Court, rule 8.452; *In re Julie S.* (1996) 48 Cal.App.4th 988, 990-991.) Father's petition (case No. A127941) is granted. Let a writ of mandate issue directing the juvenile court to set aside its order denying Father reunification services and issue new and different orders that provide for reunification services for the Father. The June 8, 2010, hearing is stayed. Our decision is final immediately. (Cal. Rules of Court, rule 8.490(b)(3).) Rivera, J., We concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Division Five

Friday, June 4, 2010(Continued)

**A126310 – In re K.A., a Person Coming Under the Juvenile Court Law.
Sonoma County Human Services Department, v. Natalie A.**

The judgment (orders denying petition under section 388 and terminating parental rights under section 366.26) are affirmed. Needham, J., We concur: Jones, P.J., Simons, J. (Not for Publication.)

Monday, June 7, 2010

Division Five

**A126619 – In re Henry R., a Person Coming Under the Juvenile Court Law.
The People, v. Henry R.**

By The Court: It is ordered that the opinion filed on May 27, 2010, be modified as follows: (See Order). There is no change in the judgment. Jones, P.J. (Not for Publication.)

A124178 – The People, v. Nestor Mauricio Ferrer.

By The Court: It is ordered that the opinion filed herein on May 14, 2010, be modified as follows: (See Order). There is no change in the judgment. Appellant's petition for rehearing is denied. Simons, Acting P.J. (Certified for Publication.)

A125435 – The People, v. Selina Rene Winn.

The judgment is reversed solely for recalculation of appellant's presentence custody credits. On remand, the trial court shall revise its sentencing order and the abstract of judgment to reflect that appellant earned 279 actual credits and 278 conduct credits (§ 4019) for a total of 557 presentence credits. The court is directed to forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. Simons, J., We concur: Jones, P.J., Needham, J. (Not for Publication.)

Tuesday, June 8, 2010

Division Two

A127369 – Conservatorship of the Person and Estate of Crystal O. Humboldt County Public Guardian, v. Crystal O.

Tuesday, June 8, 2010(Continued)

The judgment is affirmed. Kline, P.J., We concur: Haerle, J., Lambden, J. (Not for Publication.)

A125703 – In re Marcus G., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency, v. Oscar A.

A127864 – Oscar A., v. Superior Court of Alameda County, R.P.I. Alameda County Social Services Agency.

In A125073, the order terminating the parental rights of Oscar A. is affirmed. In A127864, the petition for a writ of habeas corpus is denied. Richman, J., We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A127496 – In re Eduardo H., a Person Coming Under the Juvenile Court Law. The People, v. Eduardo H.

Accordingly, the judgment is affirmed. Lambden, J., We concur: Haerle, Acting P.J., Richman, J. (Not for Publication.)

Division Three

A125543 – The People, v. Rebecca Alicia Winder.

The trial court is directed to prepare an amended abstract of judgment reflecting an additional 88 days of presentence conduct credit for a total custody credit of 352 days, and to forward a certified copy of the amended abstract to the California Department of Corrections and Rehabilitation. As amended, the judgment is affirmed. Siggins, J., We concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

A125182 – In re Robert Shippman, on Habeas Corpus.

The petition for writ of habeas corpus is denied. Jenkins, J. (See Concurring Opinion by Siggins, J.) (See Dissenting Opinion by Pollak, J.) (Certified for Publication.)

A123891 – Walgreen Co., v. City and County of San Francisco et al.

The judgment is reversed insofar as it sustained the demurrers to the first and second causes of action. On remand, the trial court is directed to enter a new order (1) overruling the demurrers to the first and second causes of action alleging equal protection violations, and (2) sustaining without leave to amend the demurrer to the third

cause of action alleging a violation of Proposition I. Each party shall bear its own costs on appeal. McGuinness, P.J., We concur: Pollak, J., Jenkins, J. (Certified for Partial Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, June 8, 2010

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P. J.; Reardon, J.; Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Bobby Singh, Bailiff.

A121820 People
 v.
 Deonte Donald
Cause called. Randi Covin argued for appellant Donald. Frances Dogan argued for respondent. Cause submitted.

A122961 City of Santa Rosa
 v.
 Raman Patel et al.
Cause called. Unable to reach Frank Weiser, counsel for appellants Patel et al., for teleconferencing. Michael J. Casey appeared for respondent. Cause submitted.

A124199 City of Santa Rosa
 v.
 Raman Patel et al.
 Donald Hendrix et al.
Cause called. Michael J. Casey argued for appellant City. Unable to reach Frank Weiser, counsel for respondents Patel et al., for teleconferencing. Submission deferred pending third appeal (A124452).

For the next case, the court reconstituted itself to include Reardon, Acting P.J.; Sepulveda, J.; and Rivera, J.

A126332 Charles A. Koch III
 v.
 Chemspeed, Inc. et al.
Cause called. Erin Goodman argued for appellant Koch. Bern Steves argued for respondent. Cause submitted.

Court recessed at 10:26 a.m.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, June 8, 2010

The Court reconvened at 1:31 p.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P. J., Sepulveda, J., and Rivera, J.; Annie Reasoner, Deputy Clerk; CHP Officer Harjit Singh, Bailiff.

A126696 Elizabeth Sullivan
v.
James Knobeloch
Cause called. Martin Glickfeld argued for appellant Sullivan. Christopher B. Queally argued for respondent Knobeloch. Cause submitted.

At this point, Ruvolo, P.J. left the bench and Reardon, J. joined the bench. Argument continued before Reardon, Acting P. J., Sepulveda, J., and Rivera, J.

A118840 People of the State of California
v.
Darrell Sweigart
Cause called. Kate Chatfield argued for appellant Sweigart. Juliana Drous also appeared on behalf of appellant, but did not address the court. Deputy Attorney General Violet Lee argued for respondent People of the State of California. Cause submitted.

A126887 In re E.G., a Person Coming Under the Juvenile Court Law.

San Mateo County Human Services Agency,
Plaintiff and Respondent,

v.

R.G.,

Defendant and Appellant.

Cause called. Appellant R.G., in propria persona, argued on his own behalf. Deputy County Counsel William E. Smith argued for respondent San Mateo County Human Service Agency. Cause submitted.

The court adjourned at 2:49 p.m.

Wednesday, June 9, 2010

Division Two

A124753 – The People, v. Jahkeem Stokes-Gulley.

The appeal is dismissed and the judgment is affirmed. Haerle, J., We concur: Kline, P.J., Lambden, J. (Not for publication.)

A123469 – The People, v. William Charles Johnson.

The judgment is affirmed. Richman, J., We concur: Kline, P.J., Lambden, J. (Certified for Publication.)

Division Three

**A126371 – In re O.C., a Person Coming Under the Juvenile Court Law.
Contra Costa County Children & Family Services Bureau, v. C.C.**

The orders of the juvenile court are affirmed. Siggins, J., We concur: Pollak, Acting P.J., Jenkins, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, June 9, 2010

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Siggins, J. and Jenkins, J.; and B. Robbins, Deputy Clerk.

A122511 California Oak Foundation, et al.,
v.
The Regents of the University of California, et al.
Cause called and argued by Stephan C. Volker, counsel for appellants, and Dennis Peter Maio, counsel for respondents Regent of the University of California et al. Cause ordered submitted.

A121318 George B. Adams,
v.
James Trimble, as Chief of Police, etc., et al.
Cause called and argued by Jennifer Rusnak, counsel for appellants and cross-respondents Trimble, et al., and Tim A. Pori, counsel for respondent and cross-appellant Adams. Cause ordered submitted.

A126555 Roy Eaton,
v.
Donald Unger.
Cause called and argued by Stephen M. Vernon, counsel for appellant, and Kimberly A. Fanady, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Jenkins, J. left the bench and Pollak, J. joined the bench.

A123470 The People,
v.
Kevin Barry Edwards.
Cause called and argued by Steve Condie, counsel for appellant, and Allan Yannow, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, McGuiness, P.J. left the bench and Jenkins, J. re-joined the bench. Pollak, J. presided over the remainder of the session.

A123015 Eddie King, et al.,
v.

City and County of San Francisco;
Ivana Kirola.

Cause called and argued by Mark T. Johnson, counsel for appellants, and
James M. Emery, counsel for respondent City and County of San Francisco.
Cause ordered submitted.

A126680 Daniel L. Balsam,

v.

Tropicinks LLC, et al.

Cause called and argued by Timothy Walton, counsel for appellant, and
Bennet G. Kelley, counsel for respondent, via teleconference. Cause
ordered submitted.

COURT ADJOURNED.

Thursday, June 10, 2010

Division Two

A126191 – The People, v. Jorge Alberto Dominguez.

Our independent review of the record reveals no arguable issues that require further briefing. Accordingly, the judgment is affirmed. Lambden, J., We concur: Kline, P.J., Richman, J. (Not for Publication.)

A126289 – Charles Lawrence Fowler, v. Lake County Board of Supervisors.

The trial court's order granting the motion to dismiss appellant's petition for a writ of mandate is vacated and the matter remanded to that court with directions to (1) reconsider the issue of the timeliness of appellant's petition for a writ of mandate with specific reference to any April 2008 hearing of the Board where the condition of appellant's property was considered and an order regarding it issued, (2) in so doing, consider whether the "reconsideration" language in section 1094.6(b) might be applicable, and (3) then issue a new order responsive to the Board's motion to dismiss. Haerle, J., We concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Four

A124084 – Glen Gillham, v. County of Lake et al.

The judgment of dismissal is affirmed. Reardon, J., We concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

A125600 – In re L.N., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency, v. Collete S., Paulette C. et al., Roslyn J. et al.

The juvenile court's order terminating mother's parental rights, denying the Agency's section 388 petition, denying the section 388 petition of aunt and uncle, and granting the foster parents prospective adoptive status is affirmed. Sepulveda, J., We concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

A126012 – The People, v. Ronnie Frazier.

Defendant's conviction of evading a police officer (Veh. Code, § 2800.2) is reversed. The matter is remanded to the trial court for exercise of its discretion in sentencing on count six. Sepulveda, J., We concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

Thursday, June 10, 2010(Continued)

Division Five

**A128349 – In re M.B., a Person Coming Under the Juvenile Court Law.
Courtney B., v. The Superior Court of Humboldt County, R.P.I. Humboldt County
Department of Social Services.**

The writ petition is denied on the merits. The request for a stay is also denied.
Jones, P.J., We concur: Simons, J., Bruiniers, J. (Not for Publication.)

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, June 10, 2010

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Margulies, Justice, Banke, Justice, Raquel Arellano, Deputy Clerk, and CHP Officer James Militar, Bailiff.

- A123564 Martin McNerney Development,
v.
Gold River Contractors.
Cause called and waived by Michael Kennedy, counsel for appellant, and Christopher Ruiz, counsel for respondent. Cause ordered submitted.
- A123732 People,
v.
Kenneth Earl Watson.
Cause called and argued by Alexandria Carl, counsel for appellant, and John Deist, counsel for respondent. Cause ordered submitted.

Court adjourned until Friday, June 11, 2010 at 9 a.m.

Friday, June 11, 2010

Division One

A126754 – Children’s Hospital & Research Foundation, v. Jessica Knowles et al.

The order is reversed. Dondero, J., We concur: Marchiano, P.J., Banke, J. (Not for Publication.)

Division Two

A126525 – Service Employees international Union, Local 1000 et al., v. Arnold Schwarzenegger et al. And related Cross-Complaint.

The judgment is affirmed. Richman, J., We concur: Kline, P.J., Lambden, J. (Not for Publication.)

A122054 – The People, v. Johnny Lavell Standifer.

The judgment is affirmed. Lambden, J., We concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A124852 – In re the Marriage of William F. Gunn and Lisa R. Gunn. William F. Gunn, v. Lisa R. Gunn.

The judgment is affirmed. Costs on appeal are awarded to wife. Jenkins, J., We concur: Pollak, Acting P.J., Siggins, J. (Not for Publication.)

Division Five

A124662 – The People, v. Fredrick D. Kilmer.

The judgment is affirmed. Jones, P.J., We concur: Simons, J., Needham, J. (Not for Publication.)

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Friday, June 11, 2010

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Margulies, Justice, Dondero, Justice, Raquel Arellano, Deputy Clerk, and CHP Officer Jeff Davidson, Bailiff.

- A124503 In re Marriage of Sandra and Gregory Bauer.
 Sandra Bauer,
 v.
 Gregory Bauer.
Cause called and argued by Garrett Dailey, counsel for appellant via teleconferencing, and Ann Van De Pol, counsel for respondent. Cause ordered submitted.
- A122448 Bay Guardian Company,
 v.
 New Times Media, et al.
Cause called and argued by Dennis Maio, counsel for appellants, and Ralph Alldredge, counsel for respondent. Cause ordered submitted.
- A125927 David B. Reeves,
 v.
 MV Transportation, Inc.
Cause called and argued by Edwin Bradley II, counsel for appellant, and Gary Lafayette, counsel for respondent. Cause ordered submitted.
- A126382 John H. Stewart,
 v.
 David Parris.
Cause called and argued by John Stewart, appellant in propria persona, and Carol Martinez, counsel for respondent via teleconferencing. Cause ordered submitted.

Court recessed until 1:30 p.m.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Friday, June 11, 2010

The Court reconvened at 1:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Dondero, Justice, Banke, Justice, Fred Abad, Deputy Clerk, and CHP Officer Harjit Singh, Bailiff.

A123457 Transport Workers Union Local 200,
v.
San Francisco Municipal Transportation Agency.
Cause called and argued by Benjamin Lunch, counsel for appellant, and Jill Figg Dayal, counsel for respondent. Cause ordered submitted.

A123720 Marjorie Wilson, et al.,
v.
Certainteed Corporation.
Cause called and argued by Daniel Smith, counsel for appellants, and William F. Sheehan, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Marchiano left the bench and Justice Margulies joined the bench and presided over the remainder of the proceedings.

A124211 Giovanni Zocca,
v.
Raffaele Zocca, et al.
Cause called and argued by R. Randall Riccardo, counsel for appellants, and Christopher Cole, counsel for respondent. Cause ordered submitted.

Court Adjourned

Monday, June 14, 2010

Division Two

A121366 – The People, v. Ishmael Johnson et al.

The judgment is affirmed. Lambden, J., We concur: Haerle, Acting P.J., Richman, J. (Not for Publication.)

A121746 – The People, v. Paul Murray.

By The Court: It is ordered that the nonpublished opinion filed herein on May 25, 2010, be modified as follows: (See Order). There is no change in judgment. Appellant's petition for rehearing is denied. Haerle, J. (Not for Publication.)

Division Three

A126680 – Daniel Balsam, v. DSG Direct, Inc., et al., TropicInks, LLC, et al.

The order denying Balsam's motion to amend is reversed with respect to TropicInks and remanded with instructions to amend the judgment to add TropicInks as an additional judgment debtor. The order is affirmed in all other respects. The parties are to bear their own costs on appeal. Pollak, Acting P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

Division Four

A126887 – In re Eric G., a Person Coming Under the Juvenile Court Law. County of San Mateo Human Services Agency, v. Robert G.

The juvenile court's order is affirmed. Sepulveda, J., We concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Tuesday, June 15, 2010

Division Two

A125741, A126623 – Brian Greer, v. Safeway, Inc., et al.

The appeals are dismissed. Costs on appeal are awarded to respondents.

Tuesday, June 15, 2010(Continued)

Brian Greer is a vexatious litigant and as such is prohibited from filing in propria persona any new litigation in the courts of California without approval of the Presiding Judge of the court in which he proposes to file it.

Pursuant to section 391.7, subdivision (e), upon issuance of the remittitur, the Clerk/Administrator of the Court of Appeal is directed to send a copy of this opinion and a conforming Judicial Council MC-700 form to the Judicial Council. Haerle, J., We concur: Kline, P.J., Richman, J. (Not for Publication.)

A126456 – In re Carol H., a Person Coming Under the Juvenile Court Law. The People, v. Carol H.

The juvenile court's order is hereby modified so that the probation condition prohibiting contact between defendant and her sister is modified to permit only peaceful contact between defendant and her sister. The portion of the condition barring contact between defendant and Cody and giving the probation department authority to modify or eliminate this term as it deems fit remains unchanged. As so modified, the order is affirmed. Lambden, J., We concur: Kline, P.J., Richman, J. (Not for Publication.)

Division Three

A125988 – The People, v. Randolph Lowell Smith.

The judgment is affirmed. Siggins, J., We concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A126737 – The People, v. Jose Angel Alaniz.

The fine for \$1,140 purportedly imposed pursuant to section 290 is stricken. The judgment is affirmed in all other respects. Pollak, J., We concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

A124952 – Charleen Wignall et al., v. John Wignall et al.

The judgment is affirmed. Defendants shall recover their costs on appeal. Defendants' request for sanctions is denied. Pollak, Acting P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

Division Four

**A123778 – In re D.R., a Person Coming Under the Juvenile Court Law.
Alameda County Social Services Agency, v. L.H., et al.**

Tuesday, June 15, 2010(Continued)

The juvenile court commissioner's findings and orders on the supplemental petition and the placement of the minor are affirmed. Its order requiring the agency to provide reunification services to C.S. is reversed. That aspect of the matter is remanded to the juvenile court for further proceedings, not inconsistent with this opinion. Reardon, J., We concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

**A124573 – In re D.R., a Person Coming Under the Juvenile Court Law.
Alameda County Social Services Agency, v. C.S., et al.**

The juvenile court orders are affirmed. Reardon, J., We concur: Ruvolo, P.J., Rivera, J. (Certified for Publication.)

A127317 – The People, v. Aaron Wysinger.

The judgment is affirmed. Ruvolo, P.J., We concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Division Five

A123716 – John Carpy, v. Kevin Alfaro, as Trustee, etc.

A123719 – John A. Carpy, v. Charles G. Carpy et al., as Trustees, etc.

The orders approving the accountings are vacated, the order denying John's motions to compel is reversed, and the matters are remanded for further proceedings consistent with this opinion. Each party to bear its own costs. Bruiniers, J., We concur: Jones, P.J., Needham, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Tuesday, June 15, 2010

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Lambden, J., Officer Davidson and S. Wheeler, Deputy Clerk.

A124055 The People,
 v.
 Niles Urry.
Cause called and argued by Michael Stepanian, counsel for appellant, and Christopher J. Wei, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A125007 Canon Manor West Citizens Group,
 v.
 City of Rohnert Park et al.
Cause called and argued by Judith Volkart, counsel for appellant, and Leah Castella, counsel for respondents. Cause ordered submitted.

At this point of the proceedings, Justice Haerle left the bench and Justice Richman joined the bench for the remainder of the calendar.

A126456 In re Carol H., a Person Coming Under the Juvenile Court Law.
 The People,
 v.
 Carol H.
Cause called and argued by Jacques B. Le Boeuf, counsel for appellant, and Certified Law Student, Molly Friend, supervised by Christopher J. Wei, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A123682 Sonya Lister
 v.
 Michael Bowen.
Cause called and argued by Ian Booth Kelley, counsel for appellant, and Rebecca Justice Lazarus, counsel for respondent. Cause ordered submitted.

A125892 Deborah Koons Garcia,

v.

Jerry Garcia Estate, LLC et al.

Cause called and argued by Jonathan Roger Bass, counsel for appellant, Lawrence K. Rockwell, counsel for respondents Annabelle Garcia-McLean et al., and Keith A. Kandarian, counsel for respondent Jerry Garcia Estate LLC. Cause ordered submitted.

Court recessed until 1:30 p.m.

Thursday, June 17, 2010

Division One

A123947 – The People, v. Daniel Ray McPherson.

Accordingly, the appeal is dismissed. Dondero, J., We concur: Marchiano, P.J., Banke, J. (Not for Publication.)

A117715 – Kern County Water Agency, v. Watershed Enforcers, a project of the California Sportfishing Protection Alliance.

A117750 – Watershed Enforcers, a project of the California Sportfishing Protection Alliance, v. San Luis & Delta-Mendota Water Authority et al.

The judgment granting a peremptory writ of mandate is affirmed. Marchiano, P.J., We concur: Dondero, J., Banke, J. (Certified for Publication.)

Division Two

A125254 – R. Brian Hines et al., v. California Coastal Commission, Board of Supervisors of Sonoma County, et al., R.P.I. Steven M. Star et al.

The judgment denying petition for a writ of mandate is affirmed. Real parties in interest, the Stars, shall recover their costs on appeal. Kline, P.J., We concur: Haerle, J., Lambden, J. (Not for Publication.)

Division Four

A126332 – Charles A. Koch III, v. Chemspeed, Inc.

We remand the cause to the trial court to enter an appropriate order dismissing or staying the matter pursuant to Code of Civil Procedure section 418.10, subdivision (a)(2), and in all other respects affirm the order. Reardon, J., We concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

Thursday, June 17, 2010

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J., Simons, J., Needham, Jr.; and Felix Castuera, Deputy Clerk.

A124962 In re the Marriage of Nancy Dow Moody and Peter Dow Moody.
Nancy Dow Moody,
v.
Peter Dow Moody.
Cause called and argued by Samuel Kornhauser, counsel for appellant, and by Bernard Wolf, counsel for respondent. Cause ordered submitted.

A126170 Alameda County Social Services Agency,
v.
M.M.
Cause called and argued by Leslie Barry, counsel for appellant, and by Grace Tam, counsel for respondent. Cause ordered submitted.

A126621 Patricia Blades,
v.
Roberto Grau.
Cause called and argued by Roberto Grau, appearing in pro. per.; and there was no appearance by respondent. Cause ordered submitted.

At this point in the proceedings, Justice Needham left the bench and Justice Bruiniers entered.

A122932 Ted Jacob Engineering Group Inc.,
v.
Ratcliff Architects.
Cause called and argued by Elliot Bien, counsel for appellant Ratcliff Architects, and by Roland Nickles, counsel for respondent and cross-appellant Ted Jacob Engineering Group Inc. Cause ordered submitted.

A122408 Salvio Street LLC,
A123080 v.
Albert Lee.
Causes called and argued by Albert Lee, counsel for appellant, and by Carlos Alvarez, counsel for respondent and cross-appellant Salvio Street LLC. Causes ordered submitted.

A126077 Diane Tucker et al.,
v.
Pacific Bell Mobile Services et al.
Cause called and argued by John Franklin, counsel for appellants, and by Michael Stortz, counsel for respondents. Cause ordered submitted.

A125701 In re K.S., a Person Coming Under the Juvenile Court Law.
People,
v.
K.S.
Cause called and argued by Christy Chandler, counsel for appellant. Ronald Niver represented the respondent and submitted on the brief. Cause ordered submitted.

At this point in the proceedings, Justice Jones left the bench and Justice Needham entered. Justice Simons presided the remaining cases in the morning.

A124228 People,
v.
Nicola Christopher Bucci.
Cause called and argued by Joseph Walsh, counsel for appellant, and by Catherine McBrien, counsel for respondent. Cause ordered submitted.

A125212 Mercedes Perlas et al.,
v.
GMAC Mortgage, LLC et al.
Cause called and argued by Jan Chilton, counsel for respondent, and there was no appearance by appellants. Cause ordered submitted.

LUNCH BREAK

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

Thursday, June 17, 2010

Court convened at 1:30 p.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J., Simons, J., Needham, Jr.; and Felix Castuera, Deputy Clerk.

A126526 Diana Olsen-Allen,

v.

City of Oakland.

Cause called and argued by Michael Guta, counsel for appellant, and by Kandis Westmore, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Simons left the bench and Justice Bruiniers entered.

A126184 David Eugene Pine,

v.

City of Fremont et al.

Cause called and argued by Gregory Fox, counsel for appellants, and by Larry Arguello, counsel for respondent. Cause ordered submitted.

A125808 Schram Construction Inc.,

v.

Regents of the University of Cal.;

Southland Construction.

Cause called and argued by Robert A. Rosin, counsel for appellant, and David Bergquist, counsel for respondent Regents of the University of Cal.; and Lois Bobak, counsel for real party in interest Southland Construction. Cause ordered submitted.

A125651 People,

v.

Jennifer Weber-Pleskaczewski

Cause called and argued by Kelley Olga, counsel for appellant, and by Valerie Fenchel, a certified law student under the supervision of Deputy Attorney General Huy Luong, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED

Friday, June 18, 2010

Division One

A122409, A123257 & A124295 – W. Wong Construction Co., Inc., v. Kin Yuen Watt et al.

The judgment and orders are affirmed. Dondero, J., We concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A124318 – The People, v. Ricky Wheeler.

The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting an additional 198 days of conduct credits and a total of 789 days of presentence credits, and to forward a certified copy as necessary to the appropriate authorities. We remand to the trial court for further consideration and determination of how these credits should be applied to defendant's sentencing pursuant to section 2900.5. Lambden, J., We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A123059 – Penny L. Patino, v. Countrywide Home Loans, Inc.

All of the rulings and the judgment from which plaintiff has appealed are affirmed. Countrywide is awarded costs of the appeal. Lambden, J., We concur: Haerle, Acting P.J., Richman, J. (Not for Publication.)

A125861 – Raymond Gardner, v. Superior Court of Contra Costa County, R.P.I. County of Contra Costa.

A special circumstances case is a "capital case" within the meaning of section 987.9 until the district attorney announces he or she will not seek the death penalty. Since it is, the superior court should have decided petitioner's motion on its merits. But because the death penalty is no longer a possibility for the petitioner, the court need not do so in this case, and the order to show cause is discharged and the petition is denied. Richman, J., We concur: Kline, P.J., Lambden, J. (Certified for Publication.)

Division Three

**A127001 – John S. Karls, v. Mellon Capital Management Corporation et al.
A127444 – John S. Karls, v. The Bank of New York et al.**

Friday, June 18, 2010(Continued)

By The Court: The motion to consolidate the two above-referenced appeals is granted, and the appeals are hereby consolidated for the purposes of oral argument, if any, and decision.

All future filings in these matters shall bear the caption and appellate case numbers for both appeals, as set forth above. McGuiness, P.J.

A126555 – Estate of Helen Eaton, Deceased. Roy D. Eaton, v. Donald Unger.

The probate court's order is affirmed as to the third cause of action of the proposed petition and reversed as to the remaining six causes of action. Appellant Roy Eaton shall recover his costs on appeal. McGuiness, P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

A121318 – George B. Adams, v. James Trimble et al.

The order partially granting defendants' special motion to strike as to plaintiff's first, second and third causes of action is reversed. The matter is remanded with instructions to the trial court to grant the motion in its entirety and dismiss the action against defendants. The trial court shall award attorney fees and costs to defendants as the prevailing party on the motion to strike and on this appeal. McGuiness, P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

Division Four

A124031 – The People, v. Yvette Mumford.

The judgment is affirmed. Reardon, J., We concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

A125270 – The People, v. Michael Anthony Henry, Jr.

By The Court: Appellant's petition for rehearing is denied. The opinion filed May 25, 2010, is modified by inserting a new footnote number 18 in the last paragraph of part II.A.3. after the citation “(*Gant, supra*, at pp. 1718, 1723, fn. 11.)” as follows: (See Footnote).

The footnote numbers following number 18 are to be renumbered accordingly.

The above modification does not effect any change in the judgment. Reardon, Acting P.J. (Certified for Publication.)

Division Five

Friday, June 18, 2010(Continued)

A124289 – The People, v. Richard Jeffrey Gates.

In case No. SCR-545951, the trial court is ordered to prepare amended minutes deleting the restitution fines under section 1202.4, subdivision (b) and section 1202.45.

In addition, the court is ordered to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment showing appellant is entitled to 11 days actual credit plus 10 days work and conduct credit for a total of 21 days of credit.

In all other respects, the judgment is affirmed. Jones, P.J., We concur: Needham, J., Bruiniers, J. (Not for Publication.)

A125471 – Fred Tomlinson et al., v. County of Alameda et al., R.P.I. Y.T. Wong et al.

The order denying the petition is reversed, and the matter is remanded to the trial court with instructions to issue a writ of mandate directing the County to set aside its decision approving the proposed subdivision and to comply with the requirements of CEQA when reconsidering approval of the proposed subdivision. The parties shall bear their own costs. Jones, P.J., We concur: Simons, J., Needham, J. (Certified for Publication.)

Monday, June 21, 2010

Division Two

A123369 – The People, v. Kenneth Kay McKall.

The judgment is affirmed as modified to reflect 725 total days of presentence credits (363 actual plus 362 conduct). The trial court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections and Rehabilitation. Richman, J., We concur: Kline, P.J., Lambden, J. (Not for Publication.)

A127700 – Elizabeth Curry White, v. Jacqueline Taber et al.

The appeal is dismissed. Respondents are awarded their costs on this appeal. Kline, P.J., We concur: Lambden, J. Richman, J. (Not for Publication.)

Division Three

A125948 – In re A.M., a Person Coming Under the Juvenile Court Law. The People, v. A.M.

Monday, June 21, 2010(Continued)

A.M.'s appeal is dismissed as moot. Siggins, J., We concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

Division Four

A125940 – The People, v. Lorena Ann Sikes.

The trial court's order of a laboratory analysis fee, a drug program fee, and associated assessments for defendant's conviction of a violation of section 11173, subdivision (a) in docket No. CR 909192 is ordered stricken as improperly imposed. The matter is remanded to the trial court for specification of the penalty assessments and their statutory basis, as attached to the fees properly imposed. Sepulveda, J., We concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

A125457 – The People, v. Dillon Michael Williams.

The matter is remanded to the trial court. On remand, the court shall recalculate defendant's custody credits in a manner consistent with this opinion. It shall also strike the restitution and parole revocation fines of \$400 in case No. SCR-31810, \$1,000 in case No. SCR-472859. The restitution and parole revocation fines originally imposed remain in force. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and deliver it to California's Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Rivera, J., We concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

A128307 & A128314 – In re D.B. et al, Persons Coming Under the Juvenile Court Law. David B. et al., v. The Superior Court of Humboldt County, R.P.I. Humboldt County Department of Social Services

The order denying reunification services and setting the section 366.26 hearing is affirmed, and the petitions are denied. This decision is final as to this court immediately. (Cal. Rules of Court, rule 8.490(b)(3).) In light of our disposition, the request for a stay of the section 366.26 hearing set for August 2, 2010, is denied as unnecessary. The order to show cause is hereby discharged. Ruvolo, P.J., We concur: Reardon, J., Rivera, J. (Not for Publication.)

A118840 – The People, v. Darrell Sweigart.

The judgment is affirmed. Sepulveda, J., We concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Division Five

Monday, June 21, 2010(Continued)

A125651 – The People, v. Jennifer Weber-Pleskaczewski.

The judgment is affirmed. Needham, J., We concur: Jones, P.J., Bruiniers, J.
(Not for Publication.)

Tuesday, June 22, 2010

Division One

**A126774 – In re M.B., a Person Coming Under the Juvenile Court Law.
Alameda County Social Service Agency, v. T.G.**

The order implementing legal guardianship as a permanent plan is affirmed.
Marchiano, P.J., We concur; Margulies, J., Banke, J. (Not for Publication.)

A125077 – The People, v. Bankers Insurance Company.

The judgment is affirmed. Dondero, J., We concur: Margulies, Acting P.J.,
Banke, J. (Not for Publication.)

Division Two

A127235 – The People, v. Steven Joseph Delsi.

The judgment of conviction is affirmed. Richman, J., We concur: Kline, P.J.,
Haerle, J. (Not for Publication.)

Division Three

A116637 – Safeway, Inc., v. Pivotal Sales Company, et al.

By The Court: The petition for rehearing is denied. McGuiness, P.J.

Division Four

**A127285 – Peter A. Benson, v. The Superior Court of San Mateo County,
R.P.I. Isolina Picon**

**A127305 – County of San Mateo et al., v. The Superior Court of San Mateo
County, R.P.I. Isolina Picon**

Tuesday, June 22, 2010(Continued)

By The Court: The request for publication of this court's May 25, 2010 opinion are granted and it is hereby ordered that said opinion be published in the Official Reports. Ruvolo, P.J.

A116693 – The People, v. Randall Harris Wood.

The decision entered in this case on May 1, 2008, is vacated. The judgment is reversed. Rivera, J., We concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Division Five

A116466 – The People, v. Anthony Price.

The appeal is dismissed. Needham, J., We concur: Jones, P.J., Bruiniers, J. (Not for Publication.)

A126184 – David Eugene Pine, v. City of Fremont et al.

The judgment is affirmed. Needham, J., We concur: Jones, P.J., Bruiniers, J. (Not for Publication.)

A125264 – Haight Ashbury Free Clinics, Inc., v. Happening House Ventures et al.

By The Court: Respondent's petition for rehearing is denied. Justice Needham would grant the petition for rehearing. Jones, P.J.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, June 22, 2010

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P. J.; Reardon, J.; Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer James Militar, Bailiff.

A124098 California Hospital Association
v.
Sandra Shewry, as Director, etc. et al.
Cause called. Lloyd Bookman argued for appellant California Hospital Association. Susan Carson argued for respondent. Cause submitted.

For the next case, the court reconstituted itself to include Ruvolo, P.J.; Sepulveda, J.; and Rivera, J.

A125257 People
v.
Jon Peter Montonen
Cause called. Steven Lubliner argued for appellant Montonen. Linda Murphy argued for respondent. Cause submitted.

Court recessed at 10:22 a.m.

Wednesday, June 23, 2010

Division One

A125570 – The People, v. Javier Ibarra.

Memorandum Opinion: For the reasons set forth above, we hereby dismiss this appeal. Marchiano, P.J., We concur: Margulies, J., Dondero, J. (Not for Publication.)

A123720 – Marjorie Wilson et al., v. CertainTeed Corporation.

The judgment is affirmed. Banke, J., We concur: Marchiano, P.J., Dondero, J. (Not for Publication.)

A127299 – In re W.M., a Person Coming Under the Juvenile Court Law. The People, v. W.M.

The jurisdictional and dispositional findings and orders of the juvenile court are affirmed. Marchiano, P.J., We concur: Margulies, J., Dondero, J. (Not for Publication.)

A125343 – The People, v. Albert Dean Long.

The judgment is modified to impose on count 9 in the Mitchell case (No. SC 155309A) the aggravated term (three years), doubled (to six years), stayed pursuant to section 654. The trial court is directed to prepare an amended abstract of judgment reflecting this modification. The amended abstract of judgment shall also reflect: (1) as to the Mitchell case(no. SC 155309A), a single two-year enhancement under section 12022.1, subdivision (b) that is not tied to a particular count of conviction in that case; (2) as to counts 3-5 in the Full Circle case (No. SC147932A), aggravated terms, stayed under section 654; and (3) as to the Mitchell case (no. SC 147932A), a date of conviction of February 19, 2009. The court shall forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. As so modified, the judgment is affirmed. Banke, J., We concur: Margulies, Acting P.J., Dondero, J. (Not for Publication.)

Division Two

A125572 – The People, v. Maurice J. Perkins.

The 10-year restraining order issued by the court pursuant to section 273.5, subdivision (i) is stricken. In all other regards, the judgment of conviction and sentence are affirmed. Richman, J., We concur: Kline, P.J., Lambden, J. (Not for Publication.)

Wednesday, June 23, 2010(Continued)

A124831 – Gordon L. Sloan, v. Marin Specialty Surgery Center.

The judgment is affirmed. Haerle, J., We concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Four

A122383 – The People, v. Jamal X. Butler.

The judgment is affirmed. Ruvolo, P.J., We concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Division Five

A123451 – The People, v. Elver Bernardino Puluc-Sique.

The trial court is ordered to correct the minutes of its sentencing hearing to delete the conditions concerning “employment” and that appellant” remain[] in state.) In addition the condition requiring that appellant” [keep] [his] probation officer advised of [his] whereabouts” must be modified to require that appellant notify his probation officer “of any change of residence.”

In all other respects, the judgment is affirmed. Jones, P.J., We concur: Simons, J., Needham, J. (Not for Publication.)

A127355 – The People, v. Raul V.

The judgment is affirmed. Jones, P.J., We concur; Simons, J., Bruiniers, J. (Not for Publication.)

A125701 – In re K.S., a Person Coming Under the Juvenile Court Law. The People, v. K.S.

The judgment is affirmed. Jones, P.J., We concur: Simons, J., Bruiniers, J. (Not for Publication.)

A124228 – The People, v. Nicola Christopher Bucci.

The judgment is affirmed. Needham, J., We concur: Simons, Acting P.J., Bruiniers, J. (Not for Publication.)

A122762 – The People, v. Charles Chatman.

The judgment is affirmed. Bruiniers, J., We concur: Jones, P.J., Simons, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, June 23, 2010

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Siggins, J. and Jenkins, J.; and B. Robbins and L. Phonseya, Deputy Clerks.

A126020 Jonathon Wells,
 v.
 Superior Court of the City and County of San Francisco;
 The People.
Cause called and argued by Eileen Burke, counsel for petitioner, and Joseph M. Quinn, counsel for respondent. Cause ordered submitted.

A124897 The People,
 v.
 Harold Isaac Brown.
Cause called and argued by Gene D. Vorobyov, counsel for appellant, and William S. Kuimelis, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Jenkins, J. left the bench and Pollak, J. joined the bench.

A122659 The People,
 v.
 Manuel Enraine Moreno.
Cause called and argued by Robert Stevens Condie, counsel for appellant, and Victoria Ratnikova, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, McGuiness, P.J. left the bench and Jenkins, J. returned to 1the bench. Pollak, J. presided over the remainder of the morning session.

A120412 The People,
 v.
 Howard Douglas Street.
Cause called and argued by Kyle Gee, counsel for appellant, and Jeffrey M. Laurence, counsel for respondent. Cause ordered submitted.

A125397 In re K.T., et al.
 Humboldt County Department of Health & Human Services
 v.

A.J.

Cause called and argued by Mary R. Williams, counsel for appellant, via teleconference, and Blair Angus, counsel for respondent, via teleconference. Cause ordered submitted.

A125769 Oliver McFarline Phillips,
v.

City and County of San Francisco.

Cause called and argued by Oliver McFarline Phillips, appellant in pro per, and Mark David Lipton, counsel for respondent. Cause ordered submitted.

A125494 Alameda County JATC for IBEW,
v.

Roadway Electrical Works, Inc.

Cause called and argued by Ellyn Moscovitz, counsel for appellant, and Andrew R. Shalauta, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED.

Thursday, June 24, 2010

Division One

A126275 – Narinder Sangha, v. Edward Schrader.

By The Court: The petition for rehearing is denied. Marchiano, P.J.

A123893 – Ana Silva Yanez, v. SOMA Environmental Engineering, Inc.

The judgment is reversed and the case is remanded to the trial court to (1) enter a new judgment reinstating the damages established by the jury's verdict, (2) award prejudgment interest in accordance with Civil Code section 3291, and (3) exercise its discretion under Code of Civil Procedure section 998 whether to award plaintiff post-offer costs. Margulies, Acting P.J., I concur: Dondero, J. (See Dissenting Opinion, Banke, J.) (Certified for Publication.)

Division Two

A123096 – The People, v. Jerome Davis

The judgment is affirmed. Lambden, J., We concur: Haerle, Acting P.J., Richman, J. (Not for Publication.)

A126626 – The People, v. Cherie Harding.

The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting an additional 104 days of conduct credit for a total presentence credit of 417 days, and to forward a certified copy of said amended abstract to the Department of Corrections and Rehabilitation. Haerle, J., We concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Four

A126884 – The People, v. Robert Glenn Howell.

The judgment is affirmed. Ruvoilo, P.J., We concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Division Five

Thursday, June 24, 2010(Continued)

**A124962 – In re the Marriage of Nancy Dow Moody and Peter Moody.
Nancy Dow Moody, v. Peter Moody.**

The order denying wife's motion on "property valuation/ownership" is affirmed. The order awarding attorney fees and costs is reversed and the case is remanded for a new hearing on the issue. The parties shall bear their own costs on appeal. Needham, J., We concur: Jones, P.J., Simons, J. (Not for Publication.)

**A125250 – Lonna A. Wais, v. Robert Farmer, as Personal Representative,
etc.**

**A125285 – Robert L. Farmer, as Trustee, etc., v. Lonna A. Wais, Individually
and as Trustee, etc.**

The orders denying the petitions to remove Farmer as executor and as trustee are affirmed. Bruiniers, J., We concur: Simons, Acting P.J., Needham, J. (Not for Publication.)

A126621 – Patricia J. Blades, v. Roberto A. Grau.

The order is affirmed. Jones, P.J., We concur: Simons, J., Needham, J. (Not for Publication.)

Friday, June 25, 2010

Division One

A124954, A126576 – The People, v. Michael James.

Accordingly, the appeals are dismissed. Dondero, J., We concur: Marchiano, P.J., Banke, J. (Not for Publication.)

Division Two

A124658 – The People, v. Antonio Gamez Cruz

The order of probation is affirmed. Richman, J., We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Division Three

Friday, June 25, 2010(Continued)

A125998 – Juan Campos, v. Workers' Compensation Appeals Board et al.

By The Court: We remand this cause to the Board for further consideration consistent with the views expressed in this opinion. (§ 5953; see also *Northrop Grunman Corp. v. Workers' Comp. Appeals Bd.* (2002) 103 Cal.App.4th 1021, 1037.) McGuiness, P.J., Pollak, J., and Siggins, J. (Not for Publication.)

A126630 – The People, v. Stephanie Lyn Iovino.

The judgment is affirmed. The matter is remanded to the trial court with instructions to amend the abstract of judgment to reflect the additional credit to which defendant is entitled and to deliver a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. Jenkins, J., We concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A126472 – The People, v. John Fitzgerald Stroman.

The judgment is affirmed. McGuiness, P.J., We concur: Pollak, J., Siggins, J. (Not for Publication.)

Division Four

A125100 – The People, v. Joseph Michael Bonella.

The judgment is affirmed. Reardon, J., We concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

Monday, June 28, 2010

Division Three

A123470 – The People, v. Kevin Barry Edwards .

The judgment is reversed and remanded to allow referral of Edwards for appointment of counsel. If Edwards was eligible for appointed counsel as of December 4, 2008, the day Edwards made his posttrial motion to discharge his attorney, all rulings that were made after that date shall be vacated and the court shall make an appropriate appointment of counsel to represent Edwards with respect to all such matters that were or could properly have been considered as of that date. If Edwards was not eligible for appointed counsel as of that date, the court shall reinstate the judgment. Siggins, J., We concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

Monday, June 28, 2010(Continued)

A125769 – Oliver McFarline Phillips, v. City and County of San Francisco

The judgment is affirmed. Siggins, J., We concur: Pollak, Acting P.J., Jenkins, J. (Not for Publication.)

A126323 – The People, v. Rhett Brandon Tippins.

The matter is remanded to the trial court with instructions to amend the abstract of judgment to reflect the additional credit to which appellant is entitled and to deliver a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. Jenkins, J., We concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A125335 – The People, v. Anthony Ramon Jordan.

The judgment is affirmed. The matter is remanded to the trial court with instructions to amend the abstract of judgment to reflect the additional credit to which defendant is entitled and to deliver a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. Jenkins, J., We concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A124897 – The People, v. Harold Isaac Brown.

The restitution order requiring appellant to pay \$18,362.50 in victim restitution is affirmed. McGuiness, P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

Division Five

A126861 – The People, v. Kyle M. Amos.

The judgment is affirmed. Needham, J., We concur: Simons, Acting P.J. Bruiniers, J. (Not for Publication.)

A126448 – The People, v. Michael Jon Moore.

The judgment is affirmed. Needham, J., We concur: Jones, P.J., Simons, J. (Not for Publication.)

A127154 – The People, v. Quincy Powell, Jr.

The matter is remanded with instructions that the trial court amend the October 16, 2009 minute order and December 17, 2009 abstract of judgment to reflect that the sentence in this case shall run consecutively to the sentence imposed in Alameda

Monday, June 28, 2010(Continued)

County Superior Court case No. CH 40412. The judgment is otherwise affirmed. Simons, Acting P.J., We concur: Needham, J., Bruiniers, J. (Not for Publication.)

A124038, A124048 – Cell Phone Fee Termination Cases.

The judgment is affirmed. Bruiniers, J., We concur: Jones, P.J., Needham, J. (Not for Publication.)

Tuesday, June 29, 2010

Division One

A126250 – The People, v. Michael Gary Anderson.

The judgment is affirmed. Dondero, J., We concur: Marchiano, P.J., Banke, J. (Not for Publication.)

A125421 – Charles W. Gay, v. Christine A. Dunbar.

The judgment of the trial court is affirmed. Margulies, Acting P.J., We concur: Dondero, J., Banke, J. (Not for Publication.)

A123457 – Transport Workers Union Local 200, v. San Francisco Municipal Transportation Agency.

The order denying the motion to compel arbitration is affirmed. Marchiano, P.J., We concur: Dondero, J., Banke, J. (Not for Publication.)

Division Two

A123682 – Sonya Lister, v. Michael Timothy Bowen.

The court's orders are affirmed in their entirety. We remand this matter to the trial court with the instruction that the court promptly issue a single, comprehensive written order that states all of its orders to date, whether written or oral, regarding Bowen's conduct, such as what he is prohibited from doing with regard to Lister's relatives. Nothing herein should be construed as preventing the court from amending its orders in light of any events subsequent to this appeal. Lambden, J., We concur: Kline, P.J., Richman, J. (Not for Publication.)

Division Three
Tuesday, June 29, 2010(Continued)

A128132 – S.S., v. The Superior Court of the City and County of San Francisco, R.P.I. San Francisco County Human Services Agency.

The petition for extraordinary relief is denied on the merits. (§ 366.26, subd. (l)(1)(C); *Kowis v. Howard* (1992) 3 Cal.4th 888, 893-895.) Our decision is final immediately as to this court. (Cal. Rules of Court., rules 8.450(i), 8.490(b)(3).) McGuiness, P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

A125494 – Alameda County Joint Apprenticeship and Training Committee et al., v. Roadway Electrical Works Inc., et al.

The judgment is reversed. Siggins, J., We concur: Pollak, Acting P.J., Jenkins, J. (Certified for Partial Publication.)

A122659 – The People, v. Manuel E. Moreno.

The judgment is affirmed. McGuiness, P.J., We concur: Pollak, J., Siggins, J. (Not for Publication.)

A125347 – The People, v. Derek Keith Burgett.

The request for stay is denied and the judgment is affirmed. Jenkins, J., We concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A123906 – The People, v. Michael Sean Engelbrektson.

The matter is remanded to the trial court with instructions to amend the abstract of judgment to recalculate the conduct credits to which defendant is entitled pursuant to section 4019, as amended, and to deliver a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is affirmed in all other regards. Jenkins, J., We concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

Division Four

A121820 – The People, v. Deonte Donald.

The judgment is affirmed. Ruvalo, P.J., We concur: Reardon, J., Rivera, J. (Not for Publication.)

A124350 & A125011 – Taroub H. Rusnak, v. Janice B. Salaman.

The appeals are dismissed. Rivera, J., We concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Wednesday, June 30, 2010

Division One

A124357 – The People, v. Dustin Brasch.

The judgment of the trial court is affirmed. Margulies, J., We concur: Marchiano, P.J., Banke, J. (Not for Publication.)

A116841 – The People, v. LaShaun Harris.

The judgment is affirmed. Margulies, J., I concur: Banke, J. (See concurring opinion, Marchiano, P.J.) (Not for Publication.)

Division Two

A125573 – In re T.C., a Person Coming Under the Juvenile Court Law. The People, v. T.C.

The juvenile court's disposition is vacated and the cause is remanded. Richman, J., We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A126005 – The People, v. Charles Thomas Jones.

Jones's conviction case No. CR 908439 is vacated and the case remanded to the Presiding Judge of the Lake County Superior Court with instructions to assign a member of his court, other than the judge who has previously conducted the proceedings in this case, to hear and determine Jones's second motion to suppress. If the judge to whom the matter is assigned determines to deny that motion, the judgment of conviction shall be reinstated. If the judge determines to grant the motion, the conviction in the aforesaid case should be permanently vacated and that case reset for trial. If Jones's conviction in case No. CR908439 is ultimately set aside or other good cause appears, Jones's sentence in case No. CR908705 should be reconsidered. Kline, P.J., I concur: Lambden, J. (See dissenting opinion, Haerle, J.) (Certified for Publication.)

A124742 – The People, v. John Norris Hanks.

The trial court's order of April 13, 2009, is vacated and the matter remanded to it with directions to hold a hearing at which (1) appellant may, if he chooses, present evidence regarding both the reasons for his delay in filing the petitions and his alleged

factual innocence of the 1981 petty theft and battery charges, and (2) the San Mateo County District Attorney's office may submit rebuttal evidence on both issues. The trial

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court shall then issue a new order responsive to appellant's section 851.8 petitions. Haerle, Acting P.J., We concur: Lambden, J., Richman, J. (Not for Publication.)

A127031 – The People, v. Daniel Ray Loyd.

The judgment is affirmed. Haerle, J., We concur: Kline, P.J., Richman, J. (Not for Publication.)

A125775 – In re Julia B. et al., Persons Coming Under the Juvenile Court Law. Contra Costa County Bureau of Children and Family Services, v. Amanda P.

The judgment is affirmed. Lambden, J., We concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A127020 – In re F.G., a Person Coming Under the Juvenile Court Law. The People, v. F.G.

The matter is remanded with directions to modify the condition of probation prohibiting appellant from carrying burglary tools to prohibit appellant from possessing any tools or other instruments that he knows are intended to be used to unlawfully break or enter into the property of others. In all other respects, the jurisdictional and disposition orders are affirmed. Pollak, Acting P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

A123015 – Eddie King et al., v. City and County of San Francisco, R.P.I. Ivana Kirola, et al.

The trial court's order denying intervention is affirmed. Appellants shall bear costs on appeal. Jenkins, J., We concur: Pollak, Acting P.J., Siggins, J. (Not for Publication.)

A125694 – The People, v. Brian Daniel Wood.

The judgment is affirmed. McGuinness, P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

A125397 – In re K.T. et al., Persons Coming Under the Juvenile Court Law. Humboldt County Department of Health and Human Services, v. A.J.

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The juvenile court's order terminating mother's parental rights and selecting adoption as the permanent plan for the minors is affirmed. Jenkins, J., We concur: Pollak, Acting P.J., Siggins, J. (Not for Publication.)

A126241 – David S. Alviso, v. Sonoma County Sheriff's Department et al.

The judgment is affirmed. Siggins, J., We concur: McGuiness, P.J., Jenkins, J. (Certified for Publication.)

A120412 – The People, v. Howard Street.

The judgment is affirmed. Siggins, J., We concur: Pollak, Acting P.J., Jenkins, J. (Not for Publication.)

Division Four

A125183 – The People, v. Jamie Lee Terrell

The judgment is affirmed. Reardon, Acting P.J., We concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A125364 – In re V.G., a Person Coming Under the Juvenile Court Law. The People, v. V.G.

The finding as to count II is stricken. In all other respects, the order appealed from is affirmed. Rivera, J., We concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

A127562 – In re J.H., a Person Coming Under the Juvenile Court Law. The People, v. J.H.

The order is affirmed. Rivera, J., We concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Division Five

A122783/A124451 – Christine Holman, v. Altana Pharma US, Inc.

The judgment and the postjudgment order awarding expert witness fees as costs are affirmed. That portion of the judgment setting the amount of expert fees to be recovered by Altana as costs is vacated, and the matter remanded to the trial court for a further hearing on the amount of the award, consistent with the views expressed herein.

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The parties are to bear their own costs on appeal. Bruiniers, J., We concur: Jones, P.J., Needham, J. (Certified for Partial Publication.)

A126170 – In re Melinda M., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency, v. Melissa M.

The order is affirmed. Simons, J., We concur: Jones, P.J., Needham, J. (Not for Publication.)

A126194 – In re C.R., a Person Coming Under the Juvenile Court. Sonoma County Human Services Department, v. A.M. et al.

The order denying mother's July 17, 2009 section 388 petition is affirmed. Jones, P.J., We concur: Simons, J., Bruiniers, J. (Not for Publication.)

A126033 & A126890 – In re Eden B., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency, v. Gwendolyn M., et al.

The orders issued August 31, 2009 and November 23, 2009 are affirmed. Needham, J., We concur: Jones, P.J., Simons, J. (Not for Publication.)